IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

FAO No.79 of 2007
Date of Decision: 11.1.2007

Rakesh Kumar

Appellant

versus

Darshna Devi and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE BALDEV SINGH

Present: Shri Gaurav Mohunta, Advocate for the appellant

Jasbir Singh, J. (Oral)

This appeal has been filed by owner of the offending vehicle, against the award dated 2.8.2005, vide which compensation amount of Rs.3,94,000/- was awarded to the respondents-claimants, on account of death of Bishamber, in a motor accident, on 21.11.2001. It is primary contention of counsel for the petitioner that respondent No.5 was never employed by him as a driver, rather the deceased was employed by him, as a driver of the offending vehicle. Be that as it may, except taking this plea in the pleadings, it was never pressed further. No issue was got framed in that regard. Evidence was also not led to prove the contention, referred to above. It has come on record that at the relevant time, offending vehicle was being driven by respondent No.5 and he was negligent in causing the accident, in which Bishamber has died. The appellant has not brought on record any evidence worth the name, to prove that he gave employment to the deceased and not to respondent No.5. Except a bald statement, there is no

corroborative evidence on record, to prove his version. In view of this, it is not possible for us to interfere in the award passed by the Tribunal below. As the appeal is being dismissed on merits, there is no necessity to condone the delay in filing the appeal.

Dismissed.

(Jasbir Singh)
Judge

January 11, 2007
gk

(Baldev Singh)
Judge